

AMENDED IN SENATE MAY 9, 2000

SENATE BILL

No. 1714

Introduced by Senator Brulte

February 23, 2000

An act to add Section 65850.3 to the Government Code, relating to zoning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1714, as amended, Brulte. Zoning ordinances: radio antennas.

Existing law authorizes the legislative body of any county or city to adopt zoning ordinances for various purposes.

This bill would provide that any ordinance ~~enacted~~ *adopted* by the legislative body of any city or county ~~regulating the placement, screening, or height of antennas shall reasonably accommodate amateur radio antennas and permit radio antenna height to less than 200 feet or 75 feet, depending on the population density of the city or county~~ *shall not preclude amateur radio service communications but shall reasonably accommodate amateur radio service communications. The bill would also require the Director of the Office of Planning and Research to prepare and publish a technical assistance bulletin for use by local officials and planners in the preparation and adoption of local ordinances regulating amateur radio service antennas, to prepare a model ordinance on local regulation of those antennas, and to report to the Legislature and the Governor regarding any recommendations for changes to the state statutes regarding state or local regulation of amateur radio service antennas.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.3 is added to the
2 Government Code, to read:
3 ~~65850.3.—(a) Any ordinance enacted by the legislative~~
4 *65850.3. Any ordinance adopted by the legislative*
5 *body of a city or county shall not preclude amateur radio*
6 *service communications. Any ordinance shall reasonably*
7 *accommodate amateur radio service communications*
8 *and shall constitute the minimum practicable regulation*
9 *to accomplish the legitimate purpose of the city or*
10 *county.*
11 *SEC. 2. On or before July 1, 2001, the Director of the*
12 *Office of Planning and Research shall do all of the*
13 *following:*
14 *(a) Prepare and publish a technical assistance bulletin*
15 *suitable for use by local officials and planners in the*
16 *preparation and adoption of local ordinances that*
17 *regulate the placement, screening, and height of amateur*
18 *radio service antennas. In preparing this bulletin, the*
19 *director shall consult with individuals and groups with*
20 *experience in amateur radio service communications and*
21 *land use regulation, including, but not limited to, the*
22 *American Radio Relay League, the American Planning*
23 *Association, the California Association of Realtors, the*
24 *League of California Cities, the California State*
25 *Association of Counties, and the Federal*
26 *Communications Commission.*
27 *(b) Prepare and publish a model ordinance suitable*
28 *for adoption by the legislative bodies of cities and counties*
29 *for the regulation of the placement, screening, and height*
30 *of amateur radio service antennas.*
31 *(c) Report to the Legislature and the Governor*
32 *regarding any recommendations for changes to the state*
33 *statutes regarding state or local regulation of amateur*
34 *radio service antennas.*

1 ~~body of any city or county regulating the placement,~~
2 ~~screening, or height of antennas shall reasonably~~
3 ~~accommodate amateur radio antennas and shall impose~~
4 ~~the minimum regulation necessary to accomplish the~~
5 ~~legitimate purpose of the city or county.~~

6 ~~(b) In a city or county having a population density of~~
7 ~~120 persons or less per square mile according to the 1990~~
8 ~~United States census, no ordinance shall do either of the~~
9 ~~following:~~

10 ~~(1) Restrict amateur radio antenna height to less than~~
11 ~~200 feet above ground level as permitted by the Federal~~
12 ~~Communications Commission.~~

13 ~~(2) Restrict the number of support structures.~~

14 ~~(c) In a city or county having a population density of~~
15 ~~more than 120 persons per square mile according to the~~
16 ~~1990 United States census, no ordinance shall do either of~~
17 ~~the following:~~

18 ~~(1) Restrict amateur radio antenna height to less than~~
19 ~~75 feet above ground level.~~

20 ~~(2) Restrict the number of support structures.~~

21 ~~(d) Reasonable and customary engineering practices~~
22 ~~shall be followed in the erection of amateur radio~~
23 ~~antennas.~~

24 ~~(e) This section shall not preclude a city or county, by~~
25 ~~ordinance, from regulating amateur radio antennas with~~
26 ~~regard to reasonable requirements relating to the use of~~
27 ~~screening, setback, and placement, and health and safety~~
28 ~~requirements.~~